

APPENDIX D: REGULATIONS

2014 Kansas Statutes

58-2011. Report of survey, filing; filing of reports relating to altered or destroyed markers; reproduction of survey records; fees; land survey fee fund created.

(a) Whenever a survey originates from a United States public land survey corner or any related accessory, the land surveyor shall file a reference report for each corner or accessory with the secretary of the state historical society and with the county surveyor for the county or counties in which the survey corner exists. If there is no county surveyor of such county, such reference report shall be filed with the county engineer. If there is no county engineer, such report shall be filed in the office of the county road department. Reports filed with the secretary of the state historical society may be filed and retrieved using electronic technologies if authorized by the secretary. Such report shall be filed within 30 days of the date the references are made. At the time of filing such report with the secretary of the state historical society, the land surveyor shall pay a filing fee in an amount fixed by rules and regulations of the secretary of the state historical society. Fees charged for filing and retrieval of such reports may be billed and paid periodically.

(b) Any person engaged in an activity in which a United States public land survey corner or any related accessory is likely to be altered, removed, damaged or destroyed, shall have a person qualified to practice land surveying establish such reference points as necessary for the restoration, reestablishment or replacement of the corner or accessory. The land surveyor shall file a reference report with the secretary of the state historical society and with the county surveyor for the county or counties in which the survey corner exists. Such report shall be filed within 30 days of the date the references are made. At the time of filing such report with the secretary of the state historical society, the land surveyor shall pay a filing fee in an amount fixed by rules and regulations of the secretary of the state historical society.

(c) Upon completion of the activity likely to alter, remove, damage or destroy the public land survey corner or related accessory, the land surveyor shall review the survey corner and its accessories. If the survey corner or any accessory has been altered, removed, damaged or destroyed, the land surveyor shall replace the corner or accessory with a survey monument and file a restoration report with the secretary of the state historical society and the county surveyor in the county or counties in which it existed. If the survey corner and accessories are not damaged during the activity, a restoration report so stating shall be filed with the secretary of the state historical society and county surveyor's office. Such report shall be filed within 30 days after the activity is completed. At the time of filing such report with the office of the secretary of the state historical society the land surveyor shall pay a filing fee in an amount fixed by rules and regulations of the secretary of the state historical society.

(d) Failure to comply with the filing requirements of this section shall be grounds for the suspension or revocation of the land surveyor's license.

(e) The secretary of the state historical society may produce, reproduce and sell maps, plats, reports, studies and records relating to land surveys. The secretary of the state historical society shall charge a fee in an amount to be fixed by rules and regulations of the secretary for the furnishing of information retrieved from records filed pursuant to this section and for reproductions or copies of maps, plats, reports, studies and records filed in such office.

(f) All moneys collected by the secretary of the state historical society under the provisions of this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. Ten percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the land survey fee fund, which is hereby created. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants approved by the secretary of the state historical society or a person designated by the secretary of the state historical society and shall be used only for the purpose of paying the costs incurred in administering the provisions of this act. After the effective date of this act, any reference to the secretary of state in regard to appropriations to the land survey fee fund shall be deemed to refer to the secretary of the state historical society.

(g) The failure of any person to have a land surveyor establish reference points as required by subsection (b) shall be a class C misdemeanor.

History: L. 1982, ch. 133, § 6; L. 1984, ch. 205, § 1; L. 1988, ch. 301, § 15; L. 1999, ch. 27, § 3; L. 2001, ch. 5, § 201; L. 2011, ch. 49, § 23; L. 2011, ch. 91, § 23; July 1.

APPENDIX D: REGULATIONS

LAND SURVEY REFERENCE REPORTS

118-4-3

(1) It has constituted a qualified, local historic preservation board or commission.

(2) It is actively engaged in a campus historic preservation program. (Authorized by K.S.A. 75-2721(b); implementing K.S.A. 75-2724; effective, T-118-5-1-98, May 1, 1998; effective Oct. 23, 1998.)

118-3-16. Transfer of authority agreement. (a) Each agreement between the state historic preservation officer and a city or county shall specify the following information:

- (1) The authority delegated;
- (2) the standards for project review;
- (3) the manner in which decisions are to be reported to the state historic preservation officer;
- (4) the conditions under which assistance from the state historic preservation officer can be requested;
- (5) an appeal procedure and designation of the governing body with jurisdiction;
- (6) an amendment procedure;
- (7) the length of time the agreement is valid;
- (8) provisions for termination of the agreement; and
- (9) the state historic preservation officer's authority under K.S.A. 75-2724(e), and amendments thereto.

(b) Each agreement between the state historic preservation officer and a state educational institution under the control and supervision of the board of regents shall specify the following:

- (1) The authority delegated;
- (2) the standards for project review;
- (3) the manner in which decisions are to be reported to the state historic preservation officer;
- (4) the conditions under which assistance from the state historic preservation officer can be requested;
- (5) an appeal procedure and designation of the governing body with jurisdiction;
- (6) an amendment procedure;
- (7) the length of time the agreement is valid; and
- (8) provisions for termination of the agreement. (Authorized by K.S.A. 75-2721(b); implementing K.S.A. 75-2724; effective, T-118-5-1-98, May 1, 1998; effective Oct. 23, 1998.)

Article 4.—LAND SURVEY REFERENCE REPORTS

118-4-1. Surveys originating from public land survey corners. (a) Whenever a survey

originates from a United States public land survey corner marker or any related accessory, the land surveyor shall file a reference report, as described in K.A.R. 118-4-3, with the Kansas state historical society and with the county surveyor for the county or counties in which the survey corner exists. "Accessory" means any object positioned above, upon, or near a United States public survey corner for the purpose of facilitating locations when the actual United States public land survey marker is not accessible.

(b) If a survey originates from more than one corner, the land surveyor shall file multiple reference reports. (Authorized by K.S.A. 58-2009; implementing K.S.A. 58-2011; effective June 4, 1999.)

118-4-2. Endangered corners. (a) When it is likely that any activity will occur by which a United States public land survey corner marker or accessory will be altered, removed, or damaged, and when a person qualified to practice land surveying establishes reference points for its restoration, reestablishment, or replacement, the land surveyor shall file a reference report with the Kansas state historical society and with the county surveyor for the county or counties in which the survey corner exists. The land surveyor shall file a separate reference report for each endangered section corner marker.

(b) Upon completion of the activity, the surveyor shall file a restoration report within 30 days identifying the reference report to which it relates and indicating one of the following:

- (1) That no damage or alteration has occurred;
- or
- (2) that damage or alteration has occurred and that the corner marker has been restored. The restoration report shall set forth the applicable information required by K.A.R. 118-4-3. (Authorized by K.S.A. 58-2009; implementing K.S.A. 58-2011; effective June 4, 1999.)

118-4-3. Reference reports. (a) The land surveyor shall file reference reports on forms provided or approved by the Kansas state historical society. The land surveyor shall file a separate reference report for each township affected. Each reference report shall include the following information:

- (1) The name, license number, seal, signature, and business address of the surveyor responsible for the survey;
- (2) the telephone number of the surveyor;

APPENDIX D: REGULATIONS

118-4-4

STATE HISTORICAL SOCIETY

(3) the name or job number reference of the survey;

(4) the date of the survey;

(5) the county, township, range, and section where the corner is located;

(6) the approximate location of the corner within the section, by standard identification;

(7) if known, the datum and the north and east coordinates of the marker; and

(8) descriptions of and measurements to witness corners.

(b) If an original marker is being restored or reestablished, the following information shall be provided:

(1) A description of the corner evidence found or a concise statement of the method used to reestablish the corner; and

(2) a brief sketch and description of the monument and accessories used to perpetuate the location of the corner. The land surveyor shall attach this information to the reference report. (Authorized by K.S.A. 58-2009; implementing K.S.A. 58-2011; effective June 4, 1999.)

118-4-4. Fees. (a) The fee for filing each reference report with the Kansas state historical society, pursuant to K.A.R. 118-4-1 or 118-4-2, shall be \$4.00 for each corner to which reference is made.

(b)(1) The fees for information requests, pursuant to K.S.A. 58-2011 and amendments thereto, shall be as follows:

(A) Requests for copies of reference reports only:

(i) Reports from one, two, or three sections: \$10.00; and

(ii) reports from each additional section: \$5.00;

(B) requests for copies of any combination of field notes, plats, and maps: \$15.00 for each section;

(C) copying fee: \$1.00 for each page in addition to the fees specified in paragraphs (b)(1)(A) and (B);

(D) fax fee: \$1.00 for each page faxed, in addition to the fees specified in paragraphs (b)(1)(A) and (B); and

(E) requests for any copy to be certified: \$2.00 for each copy.

(2) The fees listed in paragraphs (b)(1)(A) and (B) shall be charged whether or not information is found or copies are made. (Authorized by and implementing K.S.A. 58-2009 and K.S.A. 58-

2011; effective June 4, 1999; amended Jan. 26, 2007.)

Article 5.—STATE REHABILITATION TAX CREDIT PROGRAM

118-5-1. Definitions. For the purposes of this article, these terms shall have the following meanings. (a) "Certification" means the process whereby the reviewing entity determines that a historic structure is a qualified historic structure or that a rehabilitation plan is a qualified rehabilitation plan, or both.

(b) "Qualified expenditures" means any of the following:

(1) For rehabilitation of income-producing properties that qualify for the federal rehabilitation tax credit program, the costs and expenses incurred by a qualified taxpayer, as defined in L. 2001, ch. 108, sec. 1 and amendments thereto, in the restoration and preservation of a qualified historic structure pursuant to a qualified rehabilitation plan, which are defined as qualified rehabilitation expenditures by section 47 (c) (2) of the federal internal revenue code as in effect July 1, 2001, and hereby adopted by reference;

(2) for rehabilitation of income-producing properties that do not qualify for the federal rehabilitation tax credit program, the costs and expenses incurred by a qualified taxpayer in the restoration and preservation of a qualified historic structure pursuant to a qualified rehabilitation plan. These expenses shall be deemed to have been incurred when the project is certified by the reviewing entity as a completed qualified rehabilitation; or

(3) for non-income-producing properties, the costs and expenses incurred by a qualified taxpayer in the restoration and preservation of a qualified historic structure pursuant to a qualified rehabilitation plan. These expenses shall be deemed to have been incurred when the project is certified by the reviewing entity as a completed qualified rehabilitation.

(c) "Reviewing entity" means the state historic preservation officer or the local government official who signs an agreement with the state historic preservation office to carry out review procedures. (Authorized by and implementing L. 2001, ch. 108, sec. 1; effective, T-118-9-5-01, Sept. 5, 2001; effective Aug. 2, 2002).

118-5-2. Authorizing a local government as a reviewing entity. An agreement au-